

COMMUNICATIONS PLAN

Project or issue

Use of the 2012 1200Z Industrial Stormwater General Permit as a tool to address Cleanup needs for long-term source control to prevent recontamination of the Portland Harbor Superfund Site. Concurrent action is needed to complete two steps:

1. DEQ's Director signature on a Notice Order expanding the new 1200Z Industrial Stormwater Permit to all sites that conduct any industrial-related activities and discharge stormwater to Portland Harbor; and,
2. DEQ WQ termination/modification of all existing 1200Z Assignment Letters for registrants within Portland Harbor and issuance of orders/modified Assignment Letters and new registrant Assignment Letters to require monitoring of additional parameters, some with lower method detection limits, and some at an increased frequency.

Purpose of communication

- Share information
 - To align internal program/division needs
 - Resolve internal technical issues
 - Promote cross program and cross agency coordination (City of Portland) on implementation (under existing IGA)
 - Keep EPA informed of progress on Portland Harbor Joint Source Control Strategy, Recontamination Evaluation, and long-term adaptive management processes
 - Inform the public about a new streamlined process step in a prominent and long-evolving project in the heart of Portland
- Build support
 - Garner executive management support for decision-making/signature
 - Demonstrate responsiveness to stakeholder needs (permit registrants have repeatedly requested use of the 1200Z to satisfy Cleanup stormwater monitoring obligations)
 - Explain to the public that the expansion of the permit to all PH industries is an equitable permit approach and reduces the risk of recontamination of the river
- Provide outreach and technical assistance
 - To identify and confirm new registrants and assist them to apply and obtain the permit
 - To help existing registrants in PH to transition to new requirements
 - To educate the public about the intent of the permit as a tool for preventing recontamination once PH is cleaned up and adaptively managing potential on-going sources

Key messages

- Meets the needs of the stated issue (using a WQ regulatory mechanism to address Cleanup goals).
- Reduces inputs of many toxic pollutants to the Willamette River – particularly those driving cleanup of the Superfund site and that have risks to human health as well as aquatic life (PCBs, PAHs, Phthalates, pesticides).
- Provides certainty and equity to all stormwater sources in the Portland Harbor area (including discharges that have been unregulated for decades).
- Eliminates duplicative regulation (WQ & Cleanup) and lowers Cleanup costs for regulated facilities.
- Improves DEQ source control decisions, data acquisition for multiple uses, and area-wide water quality in the lower Willamette watershed.
- Coordination benefits DEQ Cleanup, DEQ Water Quality, and City of Portland (as DEQ's agent).
- Supported by EPA Region 10 – both CERCLA & Water.

- Demands on DEQ WQ resources and workload minimized because City of Portland funds 0.35 FTE at DEQ and is permit implementing agent.
- Precedent for expansion of permit to cover unregulated sites set by 1200COLS permit in Columbia Slough.
- Effort is needed to resolve technical and legal interpretations to avoid leaving affected facilities in limbo and adding to their costs. (DEQ WQ, DOJ, EPA Water & EPA Counsel).

Background

In December 2005, DEQ and EPA released the Portland Harbor Joint Source Control Strategy representing consensus between DEQ, EPA and our federal, state and tribal project partners on how to identify, evaluate and prioritize upland sources of contamination that are affecting or may affect the Willamette River in the Portland Harbor area. The strategy requires assessment and prevention of recontamination following in-river cleanup. To fulfill these requirements and support on-going adaptive management options area-wide, EPA recommended development of a Portland Harbor specific stormwater permit with loading analyses, risk assessment-based compliance points and performance standards.

DEQ has sustained repeated cuts to the Water Quality program and has insufficient staff/funding to develop a Portland Harbor specific permit to coincide with the anticipated cleanup schedule, currently slated for 2014-2015. However, DEQ recently completed issuance of an updated 1200Z general industrial stormwater permit that goes into effect statewide July 1, 2012. While the new 1200Z permit does not currently cover all relevant businesses that discharge stormwater to Portland Harbor and does not include monitoring for specific contaminants that are of concern in the Superfund site, the permit can be adapted to do both.

Goals/desired outcomes

An area-wide permit specific to Portland Harbor will provide more complete data for evaluation of the potential for recontamination and to help focus control of on-going sources, as needed. Incremental improvements to water quality in the Portland Harbor stretch of the Willamette River are also anticipated.

An existing and familiar water-quality regulation tool (i.e., 1200Z permit) will be used to also achieve cleanup goals without introducing a new layer of regulation. This streamlines DEQ's process across programs and divisions, allows reliance on the City of Portland to implement and maintain limited DEQ resource expenditures, and simplifies the regulatory arena for permit registrants. At the same time, this approach will reduce the need to require these businesses to meet Cleanup Program requirements, which will reduce duplicative regulation and costs for the regulated public.

Legal/program requirements

- Oregon has broad statutory authority to ensure that the state's waters are not polluted under ORS 468B.025. If a business causes pollution to nearby surface waters, DEQ can take enforcement to ensure that the discharge is ceased. If the discharge is required to obtain a permit, under ORS 468.050, DEQ has the statutory authority to require the discharge is permitted.
- Water Quality rules in OAR 340-045-0033 require certain businesses that discharge industrial stormwater to PH to obtain a 1200-Z permit. The director has authority pursuant to 40 CFR §122.26(a)(9)(i)(D) to require additional industries to obtain coverage under the 2012 1200-Z if they are a significant contributor to water quality degradation.
- DEQ has broad statutory authority under ORS 465.200 through 465.455 to facilitate removal or remedial actions to protect Oregon's environment from hazardous substances. Specific rules in OAR 340-122-0010 through 340-122.0115 detail the standards and procedures by which DEQ determines the necessity remedial action for the protection of the present and future public health, safety, welfare and the environment.
- In December 2005, DEQ and EPA released the Portland Harbor Joint Source Control Strategy, representing consensus between DEQ, EPA, and our federal, state and tribal project partners on how to identify, evaluate and prioritize upland sources of contamination that are affecting or may affect the Willamette River in the Portland Harbor area. Screening objectives and prioritization methods in the

strategy are consistent with EPA's schedule and goals for cleaning up the river and its sediments and require DEQ to demonstrate control of upland sources, including stormwater discharges by the time of the EPA Record of Decision.

- DEQ has entered into three Intergovernmental Agreements with the City of Portland for cooperation on: 1) investigation and control of sources discharging through City conveyances to the Portland Harbor; 2) addressing stormwater contamination and the potential for in-water remedy recontamination in Portland Harbor; and, 3) administration of National Pollutant Discharge Elimination System 1200Z, 1200COLS and 1200A general permits for stormwater discharges from industrial permits throughout the City.

Constraints

- DEQ's Water Quality Program has significant resources constraints that prevent development and implementation of a new permit.
- Sets a precedent in using new aspects of the 1200Z (allows expansion of permit coverage to broader industries & provides DEQ with ability to require monitoring for additional pollutants). Could benefit from coordination with and support from EPA Water (and EPA counsel).
- Need to evaluate information that is necessary to demonstrate that businesses not currently operating under the 1200Z permit are "significant contributors" of pollutants to the Willamette. DEQ will evaluate the following information and work closely with DOJ on this issue.
 - Site Discovery letters (DEQ led, CoP info driven)
 - ECSI info
 - General PH data analysis
 - Other?
- Need resolution of technical issues around iron monitoring (303(d) listed pollutant) and implementation of Pinto Creek decision. Concerns that new business may not get on permit and address higher risk parameters (PCBs, Pesticides, phthalates...) if they cannot meet the iron water quality criteria at end of pipe.
- Need to be cognizant of the fact that existing 1200Z registrants are just beginning to operate under the new more stringent permit with lower benchmarks, additional parameters to monitor, and increased costs. Another change could be confusing and bothersome.
- While overall costs (cleanup oversight + permit) are anticipated to decrease, new registrants will incur permit costs for the first time. Some are "mom & pops," who may find it difficult to pay permit fees and costs to develop stormwater pollution control plan and monitor their stormwater discharge for the first time.

Worst-case scenario

- Unregulated businesses continue to discharge contaminants in stormwater resulting in recontamination of the Superfund cleanup remedies.
 - The focus of the Voluntary Cleanup Program is on identification and control of sources of past and present contamination. Water Quality permits offer a more appropriate mechanism for controlling on-going potential contamination from a range of sources through the stormwater pathway.
 - Some industries will continue to be regulated under a Cleanup Order and a separate 1200Z permit. This adds costs to industries and is not as efficient and effective.
- New industries may contest that they need to apply for coverage under the water-quality permit. DEQ will need to evaluate tools for compliance (i.e., formal enforcement action, contested case hearing).

Measurements

Goal: Acquisition of appropriate data for quantitative support that upland stormwater sources to the Portland Harbor have been controlled and will not recontaminate the in-water cleanup.

Measurement: Acceptance of evaluation by EPA for their Portland Harbor Record of Decision.

Rationale: Confirms effective area-wide approach under the Joint Source Control Strategy and protects the river.

Goal: Successful streamlining of Cleanup and Water Quality regulatory pathways.

Measurement: Support from regulated public and environmental community.

Rationale: Permittees/Responsible Parties experience fewer regulatory burdens and reduced costs, while the river sediment and water quality are improved.

Publics - external

- City of Portland
 - Michael Pronold, Manager & Loren Shelley, 503 823-5547, Stormwater permits – permit implementation, registrant technical assistance, outreach
 - Linda Scheffler, 503 823-2296 & Dawn Sanders, 503 823-7263, Portland Harbor Section – source identification & data, technical assistance, recontamination evaluation coordination
- EPA Region 10
 - Rich Muza, Portland Harbor Source Control Coordinator, 503 326-6554, CERCLA coordination point person
 - Margaret McCauley, Water, 206 553-1772 – permit guidance on technical & legal issues/interpretations
- Portland Harbor Potentially Responsible Parties (comprehensive lists under development)
 - Existing 1200Z permit registrants ~90 sites – education & outreach needed
 - Up to ~30 new registrants (some may not be PRPs) - education & outreach and technical assistance needed
 - Lower Willamette Group & their attorneys – education & outreach needed
- Consultants
- Environmental Advocacy Groups – information sharing needed
 - Portland Harbor Community Advisory Group, Alanna Conley, EPA Community Involvement Coordinator, 503 326-6831
 - Willamette Riverkeeper, Travis Williams, 503 223-6418
 - NWEA, Nina Bell, 503 295-0490
 - NEDC, Mark Riskedahl, 503 768-6673
 - Portland Audubon Society, Bob Sallinger, 503 292-6855
 - American Rivers, Brett Swift, 503-827-8648
- Industry Advocacy Groups – information sharing needed
 - OR ACWA, Janet Gillespie, 503-236-6722
 - Portland Harbor Partnership, 503-517-3758
 - Working Waterfront Coalition, T. Allen Sprott, 800 505-1930 (Vigor Industrial)
- Political Interests – information sharing needed
 - Portland Mayor & City Commissioners?
 - Multnomah County Commissioners?
 - State legislators
 - Federal legislators
- Press

Players – internal

- Alex Liverman, NWR Portland Harbor Stormwater Coordinator, 503 229-5080, Lead (Jim Anderson, Mgr, 503 229-6825 & Keith Johnson, Mgr, 503 229-6431)
- Jenine Camilleri, WQ Stormwater Coordinator, 503 229-6775, WQ permit development expertise (Dennis Ades, Mgr, 503 229-5589)
- Greg Geist, NWR WQ Manager, 503 229-6991, Regional manager for permit implementation and interface w/City of Portland as DEQ's agent

- Deb Sturdevant, WQ Standards Program Lead, 503 229-6691, technical assistance (Jennifer Wigle, Mgr, 503 229-5323)
- Larry Knudson, DOJ, 971 673-1931, legal advice
- Nina DeConcini, NWR Division Administrator, 503 229-6271, support decision-making, present to Director for signature, political interaction
- Greg Aldrich, WQ Division Administrator, 503 229-6345, facilitate WQ coordination, decision support, political interaction
- Wendy Wiles, LQ Division Administrator, 503 229-6834, decision support and political interaction
- Dick Pedersen, DEQ Director, 503 229-5300, Notice Order signature

Office of Communications and Outreach involvement: Marcia Danab 503 229-6488

Communications materials responsibilities and approval process

- Alex Liverman and Jenine Camilleri will prepare materials, with input from the City of Portland
- Jim Anderson, Greg Geist and Marcia Danab will review staff work
- Nina DeConcini, Greg Aldrich, Wendy Wiles, and legal counsel will review

Outreach tools

Tool #1: Fact Sheets and informational materials

Target audience: PRPs, existing & new registrants, enviro & industry groups, general public, other agencies, political interests, consultants, press

Rationale: Provide succinct and clarifying information

Example: email via GovDelivery to PH lists, distribute at public meetings & outreach sessions

Tool #2: Targeted outreach sessions – co-facilitate by DEQ & City of Portland

Target audience: PRPs, existing & new registrants, consultants, enviro & industry groups, general public

Rationale: Provide information, technical assistance and answer questions

Example: sessions for existing registrants, new registrants, public (enviros, industry groups, general interest)

Tool #3: Press releases

Target audience: PRPs, existing & new registrants, enviro & industry groups, general public, other agencies, political interests

Rationale: Provide succinct and clarifying information

Example: Use to notify audience of public meetings; provide updates to interested members of community about implementation of project

Tool #4: Web page (to be decided)

Target audience: PRPs, existing & new registrants, enviro & industry groups, general public, other agencies, political interests

Rationale: One place to have links to all information

Communications timeline/to do list

Multiple project components and coordination pathways will be undertaken concurrently in order to meet the desired timeframe of “PH 1200Z” implementation by July 2013, such that data collection can begin in the fall/winter 2013 and analysis can occur prior to issuance of the EPA Record of Decision (fall 2014). Task lists for these are iterative and maintained separately, but intersect with this communications plan.

TASK	TIMING	STATUS
Prepare materials and brief DAs	Apr 30, 2012	Approval pending communications plan development – permission to proceed w/internal tech issues & external stakeholder engagement
Communications Plan 1 st iteration	Approved & to DAs by end of Jun 2012	On track for Jim's approval by Jun 15
Coordination w/ WQ permitting, standards & assessment <ul style="list-style-type: none"> Tech issue resolution EPA coordination Process refinement DOJ consultations 	Apr 2012-Jun 2013	In process, Iron meeting Jun 6, 2012
City of Portland Coordination <ul style="list-style-type: none"> Comprehensive site list Outreach planning & materials development 	Jun 2012-Jul 2013 & beyond	Met Jun 7, 2012, tasks in process
DA check-in on communications plan	By end of July 2012	
Confirm process & refine schedule	July-Aug 2012	
DA check-in & plan for Director approval	Aug-Sep 2012	
Develop outreach process & materials	Jul-Sep 2012	
Convene public meetings & info sessions	Sep 2012-Apr 2013	
Assist new registrants	Oct 2012-Jun 2013	
Director approval & Notice Order issuance & implementation	Jun-Jul 2013	
Press release	Jun-Jul 2013	

Notes/additional comments: Because of the complexity of multi-agency coordination and evolving possibilities for process steps, this plan is also likely to change or evolve.

Communications and Outreach review

Completed by: Marcia Danab, June 8, 2012

Completed by: Alex Liverman & Jenine Camilleri

Plan completion date: June 8, 2012 (though iterative changes are anticipated)

Manager approval: Jim Anderson

Approval date: June 11, 2012

Last modified date: June 11, 2012

RESULTS

Project name or description: _____

Summary

Briefly describe whether you think this outreach effort worked. What were the major highlights/concerns? Did it go according to plan? Did it stay within the expected timeframe?

Measurements

Include measurements listed in the plan and the actual results.

Measurement:

Result:

Explanation: Did the result meet the threshold for success? Explain.

Final steps:

If outreach was a success, say so. If more or different outreach is needed, briefly describe options.